

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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AMY L. RICHARDS,

Plaintiff,

Case No. 22-CV-413

v.

WALMART, INC., et al.,

Defendants.

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**Notice of Removal**

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Defendants Walmart Inc., Wal-Mart Stores, Inc.<sup>1</sup> and Wal-Mart Stores East, LP, by their attorneys Gass Turek LLC, hereby remove this civil action to the United States District Court for the Western District of Wisconsin pursuant to 28 U.S.C. § 1441. In support of removal, the defendants state as follows.

1. **State Court File.** On June 10, 2022, plaintiff Amy Richards initiated this action by filing a Summons and Complaint in the Circuit Court of Oneida County, State of Wisconsin, Case Number 22-CV-109 (the “State Court Action”). Pursuant to 28 U.S.C. § 1446(a), a complete copy of all process, pleadings, and orders served upon defendants in the State Court Action is attached as Exhibit A.

2. **Removal is Timely.** Defendants were personally served with the Summons and Complaint in the State Court Action on June 27, 2022. *See Ex. B.* Because this Notice of

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<sup>1</sup> As described below in paragraph 6, defendant Wal-Mart Stores, Inc., is not an entity capable of being sued. It is merely the prior name for Walmart Inc., which was changed effective February 1, 2018.

Removal is being filed within thirty days following such service, removal is timely pursuant to 28 U.S.C. § 1446(b). Further, to the extent this matter was not removable until the dismissal of the Wisconsin Department of Health Services, this matter is timely removed because it is being filed within thirty days following the July 19, 2022 dismissal with prejudice of the Wisconsin Department of Health Services. *See Ex. C.*

3. **Original Jurisdiction.** This case may be removed from the State Court for Oneida County to the United States District Court for the Western District of Wisconsin because it has original jurisdiction over the litigation pursuant to 28 U.S.C. § 1332 based on the diversity of the parties.

4. **Citizenship of Plaintiffs.** Plaintiff Amy Richards is a natural person and citizen of Wisconsin. *See Ex. A at Dkt. No. 5, ¶ 1.*

5. **Citizenship of Prior Involuntary Plaintiff.** The Wisconsin Department of Health Services was dismissed from the State Court Action on July 19, 2022, and it is no longer a party to this action and its citizenship is irrelevant to removal. *See Ex. C.*

6. **Citizenship of Defendants.** Walmart Inc. is incorporated in Delaware with its principal place of business located in Arkansas, and pursuant to 28 U.S.C. § 1332(c)(1), Walmart Inc. is deemed to be a citizen of Delaware and Arkansas. *See Ex. A at Dkt. No. 3, ¶ 3; Ex. D.* Wal-Mart Stores East, LP is a limited partnership of which WSE Management, LLC is the sole general partner and WSE Investment, LLC is the sole limited partner. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. Walmart Inc. is a Delaware corporation with its principal place of business in Arkansas. Pursuant to 28

U.S.C. § 1332(c)(1), Wal-Mart Stores East, LP is deemed to be a citizen of Delaware and Arkansas. *See Ex. A at Dkt. No. 5, ¶ 5.* Wal-Mart Stores, Inc., is not a separate entity capable of being sued. Wal-Mart Stores, Inc. was the prior name of Walmart Inc. Effective February 1, 2018, Wal-Mart Stores, Inc. was changed to Walmart Inc. *See Exs. D & E.* Walmart Inc. is a citizen of Delaware and Arkansas.

7. **Complete Diversity of Citizenship.** There is complete diversity of citizenship because the Plaintiff is a citizen of Wisconsin, and the defendants are citizens of Delaware and Arkansas. Moreover, because defendants are not citizens of the State of Wisconsin, they may remove the action to this Court. 28 U.S.C. § 1441(b)(2).

8. **Amount in Controversy.** Plaintiff alleges she slipped and fell at a Walmart store in Rhinelander, Wisconsin, causing sustained severe and permanent injuries:

11. As a result of her fall, Plaintiff Amy L. Richards sustained severe and permanent injuries for which she has received extensive and ongoing health care, treatment, and rehabilitation.

12. As a result of the injuries she suffered, Plaintiff Amy L. Richards suffered great pain of body and mind, incurred medical and hospital expenses, lost wages, pain, suffering, disability, disfigurement, and other damages. Said Plaintiff's injuries are permanent in nature, thereby causing the Plaintiff to suffer pain and disability in the future, incur medical and hospital expenses in the future, sustain a future loss of earning capacity, and sustain interference with her normal activities.

*See Ex. A at Dkt. No. 5, ¶¶ 11-12.* The amount in controversy therefore exceeds \$75,000.00.

9. **Venue.** Venue in this Court is proper under 28 U.S.C. § 1446(a) because this case was pending in the Circuit Court of Oneida County, Wisconsin. This Court is the

district and division “embracing the place where [the state court] action is pending.” 28 U.S.C. § 1441(a).

10. **Service of Notice.** Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice is being served on counsel for Plaintiff and filed with the Circuit Court for Oneida County.

WHEREFORE, Defendants respectfully request that this action be removed from the Circuit Court of Oneida County to the United States District Court for the Western District of Wisconsin.

Dated this 27<sup>th</sup> day of July, 2022.

**GASS TUREK LLC**

*Attorneys for Defendants Walmart Inc., Wal-Mart Stores, Inc., and Wal-Mart Stores East, LP*

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